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Paper No. 41

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In re Application of: Phillippe Jean Henri Berna
Filing Date: October 12, 1994
Application Number: 08/580,493 (which is a
§1.62 continuation of 08/321,589)
For: Process For Making A Versatile Clamping
Device To Hold Objects Without Damaging Them,
Such A Device and Its Use

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ON PETITION

This is a decision on the petitions filed June 19, 1997 under 37 C.F.R. §1.137(a) to revive application serial no. 08/321,589 on the ground that the abandonment was due to unavoidable delay and under 37 C.F.R. §1.183 for a waiver of the terminal disclaimer requirement of 37 C.F.R. §1.137(c).

The petitions are GRANTED.

Since application serial no. 08/321,589 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the continuing application serial no. 08/580,493.

Under the extraordinary circumstances of this case , as demonstrated by petitioner, justice requires waiver of the rules where they compel a terminal disclaimer as part of a grantable petition.

The application file is being returned to Examining Group 3200.

Brian Hershkowitz
Abraham Hershkowitz
Director, Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects